

5-16-03

DT20 Rec OCT/PTO 15 MAY 2003

PCI  
#6a  
11-20-03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Date:** May 15, 2003

**Serial No.:** 10/070,528

**Filing Date:** March 6, 2002

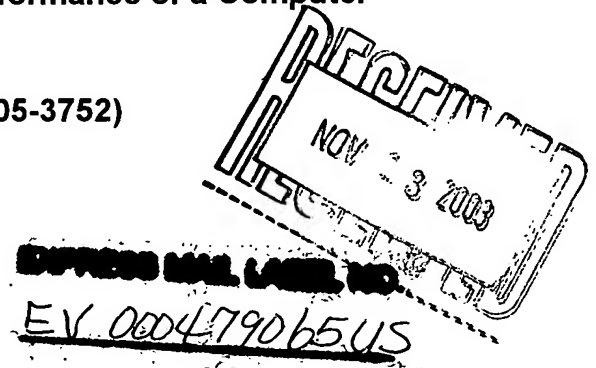
**Applicant:** PLANKI, et al.

**Title:** Method and Device for Monitoring and Controlling the Operational Performance of a Computer System or Processor System

**Examiner:** Christine S. Washington (703-305-3752)

**RECEIVED**  
MAY 30 2003  
Technology Center 2600

Office of Initial Patent Examination  
Filing Receipt Corrections  
United States Patent and  
Trademark Office  
Washington, D.C. 20231



Sir:

**REQUEST FOR CORRECTED FILING RECEIPT**

Applicant requests that the filing receipt for the above-identified patent application be corrected as follows:

Change the filing date of the application to **March 6, 2002** to reflect the actual filing date.

Enclosed are the following documents as proof of actual filing date:

1. Photocopy of Express Mail label showing the mailing date of the application;
2. Photocopy of returned postcard with the filing date stamped March 6, 2002;
3. Photocopy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);

U.S. Serial No. 10/070,528  
Inventor: PLANKI, et al.  
Page 2

---

4. Photocopy of Express Mail label showing the mailing date of the filing of the missing parts as December 2, 2002 (due in the PTO by December 11, 2002); and
5. One (1) copy of the filing receipt.

Respectfully submitted,



Richard P. Stitt, Reg. No. 35,693  
Spencer Fane Britt & Browne LLP  
1000 Walnut St., Ste. 1400  
Kansas City, MO 64106

Tele: 816-292-8129

Fax: 816-474-8236

EXPRESS MAIL LABEL NO.

Attorneys for Applicant



RECEIVED  
MAY 30 2003  
Technology Center 2600



UNITED STATES POSTAL SERVICE®

# POST OFFICE TO ADDRESSEE



EV 000475766 US

## ORIGIN (POSTAL USE ONLY)

PO ZIP Code: <b>64196</b>	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In <b>3-6-02</b> Mo. Day Year	Postage <b>\$12.45</b>	
Time In <b>4:29</b> <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Return Receipt Fee	
Weight <b>6.6</b> lbs. <b>0.0</b> ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <b>KW</b>	Total Postage & Fees <b>\$12.45</b>

SEE REVERSE SIDE FOR  
SERVICE GUARANTEE AND LIMITS  
ON INSURANCE COVERAGE

☐ WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekend ☐ Holiday

Customer Signature \_\_\_\_\_

## CUSTOMER USE ONLY

### METHOD OF PAYMENT:

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or  
Postal Service Acct. No.

FROM: (PLEASE PRINT) **816 292-8129**  
PHONE  
**IP DEPARTMENT**  
**SPENCER FANE BRITT & BROWNE LL**  
**1000 WALNUT ST STE 1400**  
**KANSAS CITY MO 64106-2140**  
**US**

TO: (PLEASE PRINT) PHONE  
**BOX: PCT**  
**ASST. COMM FOR PATENTS 20231**  
**WASHINGTON DC 20541-0001**

PLANKI/DJF

FOR PICKUP OR TRACKING CALL 1-800-222-1811 [www.usps.com](http://www.usps.com)



Customer Copy  
Label 11-F August 2000

F02  
T12

283



PLANKI, Peter et al.

DATE MAILED: March 6, 2002

Express Mail: EV 000475766 US

Title: Method and Device for Monitoring and Controlling the  
Operational Performance  
Filed: Even Date Herewith  
Docket No.: 2406400-2  
Inventor: PLANKI, Peter et al.

**INSTRUMENT:**

JC07 Rec'd PCT/PTO 06 MAR 2002

One postage-paid return addressed postcard.

Eleven (11) pages specification, claims, abstract; two (2) pages drawings including Figs. 1-4; International Search Report (English and German Versions); Check #31595 for \$585 for filing fees.

**10/070528**

The official date stamp of the U. S. Patent & Trademark Office hereon is evidence of the fact that the subject instrument for the above-identified case was received by the U. S. Patent & Trademark Office.



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/070,528	Peter Planki	2406400-2

Richard P Stitt  
 Intellectual Property Group  
 Spencer Fane Britt & Browne  
 1000 Walnut St Suite 1400  
 Kansas City, MO 64106-2140

**RECEIVED****OCT 15 2002**

SPENCER FANE BRITT &amp; BROWNE LLP

INTERNATIONAL APPLICATION NO.	
PCT/EP00/08704	
LA. FILING DATE	PRIORITY DATE
09/06/2000	09/06/1999

CONFIRMATION NO. 7215

371 FORMALITIES LETTER



\*OC000000008893337\*

Date Mailed: 10/11/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Small Entity Statement

**RECEIVED****MAY 30 2003**

Technology Center 2600

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 305-3752

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/070,528	PCT/EP00/08704	2406400-2

FORM PCT/DO/EO/905 (371 Formalities Notice)



**EXPRESS  
MAIL**

UNITED STATES POSTAL SERVICE®

**POST OFFICE  
TO ADDRESSEE**



EV 000473875 US

**ORIGIN (POSTAL USE ONLY)**

PO ZIP Code <b>64196</b>	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In <b>12-2-03</b>	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage <b>\$ 13.65</b>
Time In <b>4:30</b>	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight <b>3</b> lbs. <b>0</b> ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <b>U</b>	Total Postage & Fees <b>\$ 13.65</b>

**SEE REVERSE SIDE FOR  
SERVICE GUARANTEE AND LIMITS  
ON INSURANCE COVERAGE**

☐ **WAIVER OF SIGNATURE** (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekend ☐ Holiday

Customer Signature \_\_\_\_\_

**CUSTOMER USE ONLY**

**METHOD OF PAYMENT:**

Express Mail Corporate Acct. No. \_\_\_\_\_

Federal Agency Acct. No. or  
Postal Service Acct. No. \_\_\_\_\_

**FROM: (PLEASE PRINT)**

PHONE ( ) \_\_\_\_\_

IP DEPARTMENT  
SPENCER FANE BRITT & BROWNE LL  
1000 WALNUT ST STE 1400  
KANSAS CITY MO 64106-2140  
US

**TO: (PLEASE PRINT)**

PHONE ( ) \_\_\_\_\_

BOX: **MISSING PARTS**  
ASST COMM FOR PATENTS  
WASHINGTON DC 20231-0001

**5007546-11/ATE/planki**

**FOR PICKUP OR TRACKING CALL 1-800-222-1811**

**www.usps.com**



**RECEIVED**

**MAY 30 2003**

**Technology Center 2600**

**Customer Copy**  
Label 11-F August 2000

**F0  
T1**

**94**



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/070,528	12/02/2002	2635	780	2406400-2	2	8	2

CONFIRMATION NO. 7215

21129  
SPENCER, FANE, BRITT & BROWNE  
1000 WALNUT STREET  
SUITE 1400  
KANSAS CITY, MO 64106-2140

## FILING RECEIPT



\*OC00000009809572\*

Date Mailed: 04/17/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Peter Planki, Munich, GERMANY;  
Karl-Heinz Lettmair, Stoffen, GERMANY;

**RECEIVED**  
APR 22 2003

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP00/08704 09/06/2000

**RECEIVED**

MAY 30 2003

## Foreign Applications

GERMANY 199 42 430.6 09/06/1999

Technology Center 2600

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Method and device for monitoring and controlling the operational performance of a computer system or processor system



Preliminary Class

340

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).